



Public Document Pack

DEVELOPMENT CONTROL AGENDA

**THURSDAY 16 JUNE 2016 AT 7.00 PM
COUNCIL CHAMBER**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor D Collins (Chairman)	Councillor Riddick
Councillor Guest (Vice-Chairman)	Councillor Ritchie
Councillor Birnie	Councillor Whitman
Councillor Clark	Councillor C Wyatt-Lowe
Councillor Conway	Councillor Fisher
Councillor Maddern	Councillor Tindall
Councillor Matthews	Councillor Imarni

For further information, please contact Louise Collins or Member Support

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting (these are circulated separately)

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members complete the pink interest sheet which will be made available at the meeting and then hand this to the Committee Clerk at the meeting

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	Noon the day of the meeting

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228221 or by email: Member.support@dacorum.gov.uk

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Control Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 4/00506/16/FUL - LAND ADJ TO BROWNLOW FARM BARNES, HEMEL HEMPSTEAD HP1 2SW (Pages 6 - 27)
- (b) 4/03428/15/RET - BOVINGDON AIRFIELD, BOVINGDON, HEMEL HEMPSTEAD (Pages 28 - 39)

(c) 4/01183/16/ADV - THE CEMETERY, RECTORY LANE, BERKHAMSTED
(Pages 40 - 47)

6. APPEALS (Pages 48 - 53)

7. EXCLUSION OF THE PUBLIC (Page 54)

INDEX TO PLANNING APPLICATIONS

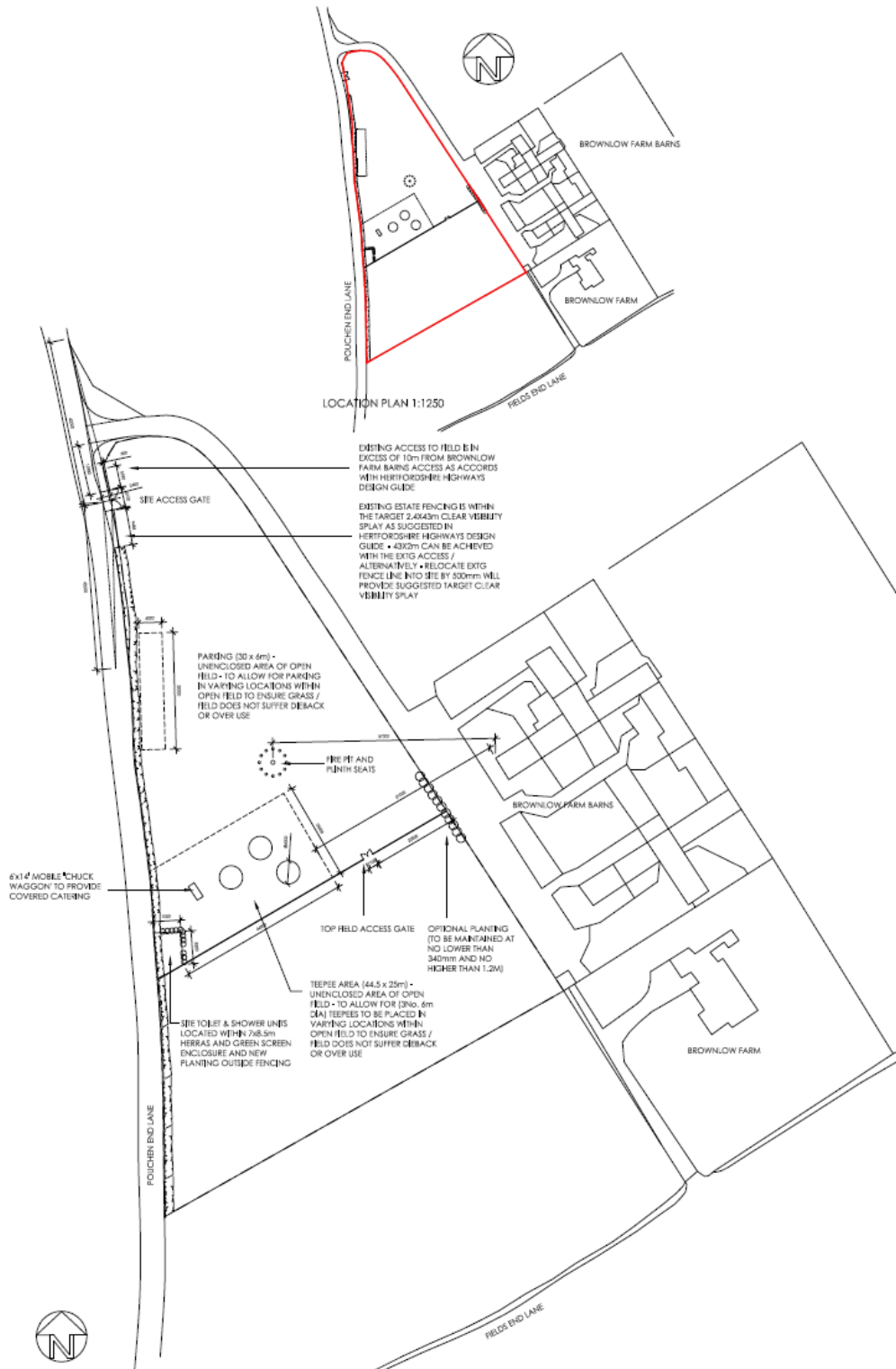
Item No	Application No.	Description and Address	Pg No.
5a	4/00506/16/FUL	CHANGE OF USE FROM AGRICULTURAL TO CAMPING AND LEISURE (D2) AND ERECTION OF THREE TEEPEE TENTS LAND ADJACENT TO BROWNLOW FARM BARN, POUCHEN END LANE, HEMEL HEMPSTEAD, HP1 2SW	
5b	4/03428/15/RET	AGRICULTURAL ACCESS FOR LAND AT BOVINGDON AIRFIELD BOVINGDON AIRFIELD, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD	
5c	4/01183/16/ADV	ERECTION OF TWO SIGNS, ONE AT THE ENTRANCE TO THE CEMETERY FROM THREE CLOSE LANE, ONE AT THE ENTRANCE FROM RECTORY LANE TO ACKNOWLEDGE HERITAGE LOTTERY/BIG LOTTERY FUNDING OF THE RECTORY LANE CEMETERY PROJECT THE CEMETARY, RECTORY LANE, BERKHAMSTED	

Agenda Item 5a

Item 5a

4/00506/16/FUL - CHANGE OF USE FROM AGRICULTURAL TO CAMPING AND LEISURE (D2) AND ERECTION OF THREE TEEPEE TENTS

LAND ADJACENT TO BROWNLOW FARM BARN, POUCHEN END LANE, HEMEL HEMPSTEAD, HP1 2SW



**4/00506/16/FUL - CHANGE OF USE FROM AGRICULTURAL TO CAMPING AND LEISURE (D2) AND ERECTION OF THREE TIPI (OR TEEPEE) TENTS.
LAND ADJACENT TO BROWNLOW FARM BARN, POUCHEN END LANE, HEMEL
HEMPSTEAD, HP1 2SW.
APPLICANT: MR NIGEL DURRANT.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The proposal will not harm the openness or the visual amenities of the Green Belt. The proposal would diversify the mix of tourist accommodation within the Borough and contribute to the economic growth in this rural locality. The proposal would not impact upon the setting of the Brownlow Farm Barns as a non-designated heritage asset, nor would it significantly impact the surrounding road network. The existing landscape features will be retained. Subject to the imposition of conditions controlling activities on-site the residential amenities of the neighbouring occupants will not be adversely affected.

Therefore, the proposal is considered acceptable in accordance with the aims of the National Planning Policy Framework (NPPF) (2012); Policies NP1, CS4, CS5, CS11 CS12 and CS27 of the Core Strategy (2013) and saved Policies 58 and 95, and saved Appendix 5 of the Dacorum Borough Local Plan (1999-2011).

Site and surroundings

The application site is situated to the east of Pouchen End Lane and is separated from the road by a mature hedgerow. The site occupies a 2.402 acre agricultural field located within the Green Belt. There is agricultural land abutting the north and west of the site. To the south, Fields End Farm and the associated residential/agricultural buildings. There are a number of barns to the east which received planning permission to be converted into residential units back in 2003. The complex, comprising thirteen dwellings, is a mid-19th century barn group considered to be a non-designated heritage asset. The barns are visible from Pouchen End Lane and the fields to the north-east and make a positive contribution to the local landscape.

Proposal

The application seeks retrospective planning permission for the change of use from agricultural to camping and leisure (D2). The application proposes to use the south-western corner of the field (44.5m x 25m) for a number of tipi tents and a wagon. Although the tipi's would be removed for certain parts of the year, under the relevant policy they are considered permanent structures. The site also comprises a fire pit area with plinth seating.

The proposed camping area would include a portable toilet and shower enclosed by a green screen and soft landscaping. A parking area (30m x 6m) is proposed on the western side of the field; however, this location would change to avoid grass dieback/overuse. The field would be accessed from a gate to the north-west of the field, off Pouchen End Lane.

The use of the site is for outdoor recreation/leisure purposes and is proposed to be seasonal between 1st March and 31st October. The site may also be used during the month of December for seasonal arts and crafts events. The tipi's would be dismantled and stored off-site outside of the specified period. However, the ancillary structures will remain on-site.

Referral to committee

The application is referred to the Development Control Committee at the request of Councillor Graeme Elliot due to concerns raised by the neighbouring residents.

Planning history

4/00454/11/RET POLY TUNNEL Granted

Relevant policy

National Planning Policy Guidance

National Planning Policy Framework

Dacorum Core Strategy 2006-2031

NP1 – Supporting Development
CS4 – The Towns and Large Villages
CS5 – Green Belt
CS10 – Quality of Settlement Design
CS11 – Quality of Neighbourhood Design
CS12 – Quality of Site Design
CS14 – Economic Development
CS27 – Quality of the Historic Environment
CS29 – Sustainable Design and Construction

Dacorum Borough Local Plan 1991-2011

Policy 58 – Private Parking Provision
Policy 90 – Tourism
Policy 95 – Camping and Caravanning
Policy 109 – Farm Diversification
Appendix 5 – Parking Provision

Summary of Representations

Letters of support

Local residents

1 Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead, HP1 2SW

We object to this application.

The application site and adjoining Brownlow Farm Barns residential dwellings are

situated within the Green Belt, where both National and Local Planning policies seek to protect the openness, agricultural character and setting of the countryside. Brownlow Farm Barns is a Non-Designated Heritage Asset – namely ‘Locally Listed’. Since these buildings were converted to residential use circa 2003, Dacorum Borough Council has fought hard to protect the rural character, setting and integrity of this Local Heritage Asset. The application site and Barns complex occupy an elevated, exposed and highly visible location. Last year when the tipis and campsite operated unlawfully, the tipis could easily be seen from Berkhamstead Road, some 600m away, and from numerous viewing points and public footpaths.

Un-neighbourly Development

There is no visual screen between the proposed tipis, the campsite and the residential properties within Brownlow Farm Barns. Last summer residents endured disturbance almost every weekend without exception. We have experienced small families camping – as well as ‘hoards’ – on one occasion over 65 screaming kids and adults, dozens of cars and vans, and on another occasion, the sight of youths urinating openly in the field in daylight hours, directly in front of our residential property. This activity happens/may even be acceptable on campsites in wooded, isolated locations but surely cannot be imposed upon existing residents? Noise, camp fires, music – even the applicant’s stated desire for ‘tom-tom’ sessions adjoining residential properties and particularly in a protected Green Belt location surely cannot be acceptable? Otherwise a very dangerous planning precedent will be established.

Highways Safety

The previous withdrawn application 4/02846/15/RET was opposed by Herts County Highways on four grounds, namely:

Lack of adequate junction proposals

Lack of adequate visibility splays

Insufficient set-back of gates – to allow vehicles to leave the carriageway and so not block Pouchen End Lane

Lack of wheel washing facilities to ensure no mud is transported onto the highway

All of these relate to highway safety. The current proposals have not demonstrated how any of these four reasons for refusal have been overcome? The Transport Assessment document is incomplete. Pouchen End Lane is a single carriageway, narrow lane by nature with limited passing bays, no footpaths, no lighting and during the summer months is a particularly busy thoroughfare with not only cars, vans and motorcycles but also walkers, joggers, cyclists and horse riders – with no safe refuge. The official speed limit in Pouchen End Lane is 60 mph!

Planning Policy

The proposal is contrary to the National Planning Policy Framework. Paragraphs 58 and 60 seek to ensure development responds to and reinforces local character, distinctiveness – particularly sites of historical agricultural use. It acknowledges that rural buildings, such as the Barns complex, make a positive contribution to the countryside. Paragraph 79 sets out the essential character of the Green Belt – the openness and permanence. Paragraph 80 goes on to state the 5 purposes of the

Green Belt including to assist in safeguarding the countryside from encroachment by inappropriate development - such as 'alien' large North American tipis and sprawling, randomly located, tent structures and dozens of cars/vans parked in this location.

Dacorum Borough Core Strategy adopted in 2013, page 105 states that the Strategic Objective is "To protect and enhance Dacorum's distinctive landscape character, open spaces, biological and geological diversity and historic environment". Page 107, Enhancing the Natural Environment, clause 16.5 states "The character of some areas include their relative tranquillity and quietness" and further "Development proposals will be expected to adhere to the guidelines, conserving, restoring or improving the landscape". Policy CS25, Landscape Character, states that "All developments must help conserve and enhance Dacorum's natural and historic landscape. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition". Page 118 paragraph 17.7 states "The Council needs to evaluate heritage assets and their setting on a continual basis". Policy CS27, Quality of Historic Environment, states that "All development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced".

Therefore we contend that the proposed change of use of this agricultural land within the Green Belt and immediately adjoining a non-designated Heritage Asset to a camping site and leisure, with the permanent erection of 'alien' North American tipis and unlimited numbers of tents and vehicles is totally contrary to adopted National and Local Planning Policy and if approved, would set the worst possible planning precedent in the Green Belt.

What benefit of imposing restrictive planning conditions? There can be no reliance upon restrictive planning conditions being maintained. Planning conditions can be challenged and overcome on appeal.

Camping Site Licence Application

In November 2015 the applicant submitted to Dacorum BC an application for a campsite licence. This was agreed in principle, subject to further ratification. It is worthy to note that Dacorum's standard campsite conditions include:

Adequate provision for the storage, collection and disposal of waste – **no details provided.**

Site density should not exceed 30 pitches (tents) per acre. Therefore on circa 2.2 acres, up to 66 tents are permitted – how many vehicles and vehicular movements would this generate? A risk assessment is required to demonstrate how the campsite would operate safely during inclement weather. These fields get totally waterlogged during the winter months. A complete mud-bath would result both within the fields and onto Pouchen End Lane. Therefore not safe for 'campers' or users of the public highway. Roads and access must be designed to provide adequate access for emergency vehicles – **no details have been provided.** There is no bell-mouth to the field access – how will emergency vehicles get safe access?

There are **no waste provisions** provided.

There is a requirement for hot water to campsites of over 20 tents – **no details provided.**

Washing facilities should provide 3 deep sinks per tent with hot and cold running water – **no details provided.**

Foul drainage should be discharged to either a public sewer, septic tank or cesspool – **no details provided.**

Particular consideration should be given to the needs of the disabled – water points, washing, toilet and shower facilities – **no details provided.**

6 Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead, HP1 2SW

I am a resident of Brownlow Farm Barns and as such I have joined with the majority of the homeowners here in opposing the above planning proposal. In addition however I am submitting my objections founded on my experience working over 25 years in a multi cultural comprehensive school which had as a core value the teaching of cultural understanding by challenging ignorance and intolerance. I feel that the planning proposal has no place within present day multi faith, multi cultural Britain and certainly not in Dacorum for the reasons that I will detail here by answering this question.

Is there a place for stereotyping native Americans in present day multi-cultural Dacorum?

What are these stereotypes?

Stereotypes relate to the generalised, unfair, oversimplified characteristics and fixed ideas about a particular group of people.

The early depictions of Native American Indians were as whooping, warlike savages who lived in wigwams, painted their faces, wore feather headdresses and hunted buffalo. These stereotypes were perpetuated by early Presidents, politicians, soldiers, journalists, artists, advertisements, film producers and writers of pulp fiction. In reality they were a resourceful people who were forced to defend the land that they called theirs for many generations. American Indian stereotypes resulted in discrimination, prejudice, racism, misconceptions and ignorance about the indigenous tribes of North America.

Stereotypes perpetuated today through ill-conceived reenactments, costumes, arts and crafts etc. have contributed to a casual attitude and disregard of injustices that were heaped upon this minority group of people. They portray a false and inaccurate image which has no place in multi cultural, multi faith Britain.

There is certainly no excuse for recreating this image in Dacorum and further fuelling the misconceptions by exposing our children to it. There is no place for this in the National Curriculum of England and Wales, and for good reason. Young children are very receptive to influences imparted by adults and as such are not encouraged to play 'cowboys and indians' in the manner that previous generations did. We have the responsibility to model behaviour centred around tolerance and understanding of all cultures rather than ignorance and historical inaccuracy.

The sight of an Indian reservation (although of course reservations were designed to

constrain the indigenous American people, and still do today) is incongruous with the countryside we are surrounded by here in Dacorum. We do not need to have our community taught 'arts and crafts' such as how to make 'dreamcatchers' (originated by the Ojibwe people but heavily commercialised in the 1970s and are now regarded as offensive and misused), tom tom drums and sleep in brightly coloured tents. We should be championing the real history of this area from the Normans who built the castle in Berkhamsted through to modern history like the fact that Charles de Gaulle lived in Potten End during WW2!

The Dacorum Equal Opportunities statement includes;

'Discrimination is not tolerated'

'The council will take appropriate action wherever instances of discrimination and harassment occur'

'The council will fulfil its legal obligations under the: (amongst others)

Race Relations Act 1976 as amended 2000

The Human Rights Act 1998

The current Dacorum website has a section on Equality and Diversity and clearly states 'we are committed to creating a culture in which equality of opportunity is actively promoted' and 'when we make decisions which may have an impact on equality and diversity, we take into account The Equality Act 2010'.

Granting permission to construct three tipis (sic.) on agricultural land for the purpose of camping and arts and crafts would conflict with current thinking and legislation and perpetuate the ignorance generated by the confinement of the indigenous American people. We wouldn't expect to see sights in our Borough showing the confinement of Black African slaves or the effects of The British Empire on the incumbent people.

I was a senior leader in a central London comprehensive school which had over 90 languages spoken and a wide range of ethnic, cultural and faith backgrounds. There was never any place within this rich community to entertain the false historical imagery of how modern western society regards true Indian culture. There is similarly no place for this in Dacorum.

Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead, HP1 2SN (Collective Petition)

We firstly feel that we need to bring you up to date with what has already been occurring re the Campsite.

In the middle of June 2015 three Tepees; toilet, shower and kitchen area appeared on the land adj. to Brownlow Farm Barns. We very soon became aware that this had become a holiday campsite mainly at weekends not only for the use of the Tepees but also for additional pitched tents. On the weekend of 31st July we had three tepees, 6 other pitched tents, 13 cars and 40/50 adults and children.

Our objections to change of use are;

Brownlow Farm Barns complex is a sensitive residential conversion of non-designated heritage asset located within the Metropolitan Green Belt. The heritage asset and its surrounding historic agricultural setting should be protected from incongruous harmful visual intrusion.

We object to the obtrusive appearance of "North American Indian" Tepees. We are very concerned that with the proposed change of use that the seemingly three permanent Tepees could intensify with 10,20,40 or more tents of all shapes and sizes, or even caravans. We assume if permission is granted then the campsite could be in use seven days a week.

National planning policy states that the provision of appropriate facilities for outdoor recreation are not inappropriate in the green belt so long as they preserve its openness, however, Local Planning Policy states that such development should be APPROPRIATE IN SCALE, UNOBTRUSIVELY LOCATED, EFFECTIVELY LANDSCAPED AND EASILY ACCESSIBLE FROM A PRIMARY ROAD. This Planning Application would meet none of the above.

The Campsite cannot be accessed from a primary road only via Pouchen End Lane which is a single track, winding road with no footpaths or street lights. This country lane is already very well used as a cut through from the A41 to Potten End, Ashridge and Berkhamsted areas. The campers will no doubt, access the site from Bourne end when leaving the A41, driving up the full length of Pouchen End Lane, increasing the risk of more accident day and night. The site does not have an approved entrance. The Tepees and toilet/wash areas do not preserve the openness of the Landscape and are not unobtrusively located. All residents of Brownlow Farm Barns are affected as our entrance drive runs alongside the campsite land.

A dangerous precedent would be set which could lead to further applications on other small areas of land surrounding Brownlow Farm Barns. We strongly object to the additional noise disturbance from adults and children during the day and late into the night.

An open camp fire poses a substantial fire risk to our mainly timber properties and the surrounding hedgerows and fields of corn/wheat during the summer months. The fire is allowed to burn out during the late night/morning so one ember could set the field the other side of the drive alight and Brownlow Farm Barns would probably disappear.

The toilet/wash area looks like a building site with 1 portable wc, 1 portable shower, one sink with waste water terminating in the hedgerow and only a green netting around it. Very obtrusive. On several occasions campers have been seen in full view of residential dwellings urinating in the open land.

Our sewerage/cess pit is at the bottom of the said land at the side of our entrance gate this could contravene public health guidelines?

We are a gated community and a private one more and more campers will know that our properties exist as they are so close to the site, therefore, the security of our development is and will be further compromised.

We strongly object to the closeness of the site to our properties .there is no solid barrier between our land and the site. Children and adults can easily gain access to our private land which has already occurred on several occasions, how can this be allowed to continue.

Extract from Dacorum Document of proposed Development at west of Hemel

Hempstead. The council considers that proposal LA3 represents the western limit of the Town. It will remain important to protect the surrounding countryside from further building to maintain Bourne End/Winkwell and Potten End as separate communities. To protect the Chiltern area of outstanding natural beauty and special area of conservation(The Chiltern Beechwoods). Vehicular access from Pouchen End Lane has been ruled out.

Surely with this major development close by it is essential no further developments that will further diminish the rural nature of Pouchen End Lane is allowed.

We all know that if change of use is approved further applications will follow for permanent buildings and facilities to accommodate the campers. This will completely destroy the very nature of this area. We would ask you to consider the residents of Brownlow Farm Barns who are so close and will be seriously affected by any change of use to this land. If the proposed change of use is approved with the resulting visual harm to setting and appearance of the Barns complex who will compensate the owners of the residential properties the value of which will significantly and adversely be affected.

We note that from the latest planning application that a private traffic survey was carried out during January 2016, we would point out that due to very poor weather conditions at the time of the survey much less traffic would have been using Pouchen End Lane due to the poor condition of the lane re pot holes etc.

Consultation Responses

Conservation and Design

This application is for the change of use of agricultural land to be used for camping / crafts – the parcel of land in question is adjacent to and accessed from Pouchen End Lane and is located next to Brownlow Farm Barns, a mid 19th century barn group which have all been converted to residential use. The group of barns is considered to be a non-designated heritage asset, the barns are visible from Pouchen End Lane and the fields to the north-east – they make a positive contribution to the local landscape

There are 3 tipis, a portable shower and toilet proposed, they are located adjacent to the lane and are set away from the residential properties at Brownlow Farm barns. The tipis are fairly large but are not permanent structures and I don't consider them or the other facilities on site to have an impact upon the setting of Brownlow Farm Barns, a non-designated heritage asset.

If consent is granted it may be advisable to restrict the amount of camping on site / number of tents or tipis.

Hertfordshire Fire and Rescue

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right

to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:
www.hertsdirect.org/planningobligationstoolkit

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

I trust the above is of assistance if you require any further information please contact the Development Services team.

Hertfordshire Constabulary (Crime Prevention)

Security: Security for nearby dwellings would not be any more affected than it is at present, and the proposal has the potential for increased natural surveillance in the area.

As regards security for campers, then the information pack given to new campers, should have a section advising users that:

Should not leave anything on show within their vehicles, which should be left locked and secure.

They should not leave valuables within the Tipi's.

Hertfordshire Highways Department

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

SHC 18: Prior to the commencement of the use hereby permitted, visibility splays in accordance with the guidance given in HCC highway design guide Roads in Hertfordshire shall be provided to each side of the new access where it meets the highway by moving the adjacent fence 500mm into the site. These splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. These visibility splays will be agreed in writing with the LPA and shown on a scaled plan.

Reason: In the interests of highway safety.

The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the

provisions of the Highway Act 1980.

AN1) Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the Proposal

The application is for permission for the construction of three tipis on agricultural land for the purpose of camping and arts and crafts.

Information provided to support the application consists of a completed application form, a one-page summary document headed 'Description of Proposal', a drawing showing the layout and location of the proposed site and what is described on the DBC website as a Transport Assessment but is in fact a 49-page document supplied by Nationwide Data Collection recording the results of the traffic speed and volume survey they carried out in January 2016. The Proposed Site/Location Plan (drg number 0624/01) originally submitted was revision B. In an amendment sent to the highway authority on 15 March 2016 revision D was supplied. This level of assessment is in keeping with the nature and location of the proposed development.

The site is bounded along on its western edge by Pouchen End Lane. This is an unclassified Local Access road. It is a narrow single vehicle width with intermittent passing places. It is subject to the national speed limit (60mph) but its narrow twisting alignment means that traffic speeds are in practice much lower than that. There is no street lighting and there are no waiting or parking restrictions in place. The road is 5m wide at the site access.

Collision data held by HCC indicate that during the last 5 years there have been no incidents resulting in personal injury on the stretch of Pouchen End Lane from its junction with Hempstead Lane/ Berkhamsted Road to the north and the bridge under which it passes the west coast main railway line.

The document described on the DBC website as a Transport Assessment is a 49-page document supplied by Nationwide Data Collection recording the results of the traffic speed and volume survey they carried out in January 2016. This was carried out in response to the earlier concerns of the highway authority about the interaction of traffic using the site entrance, vehicles using the adjacent entrance to Brownlow Farm Barns and traffic on Pouchen End Lane itself. The survey was taken over a full 7 day period

starting on 19 January 2016. Daily average flows were 141 vehicles northbound, 134 southbound and 275 two-way. Mean speeds were 26mph northbound and 26.4 southbound with corresponding 85th percentile values of 32.4 in both directions. During a site visit at lunchtime on Tuesday 27 October 2015 the following movements were observed over 20 minutes: one car, one van and two pedestrians. The weather was sunny and road surface was dry.

Trip generation and distribution and impact on highway network

The Description of Proposal Appendix gives no predictions of visitor numbers but the proposed camp is described as "small" and the accommodation that would be provided would consist of 3 tipi-style tents.

The answer to question 10 in the application form states that provision would be/ has been made for 3 to 6 vehicles to park on site. This level of off street parking space would generate a low number of two way trips. It follows that the number of visitors is likely to be anywhere between 30 to 40 in total. This level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

Highway layout

The answers to the 5 elements of question 6 in the application form indicate that no changes to vehicular or pedestrian access to the site are proposed. That is because the application is in effect retrospective as a new entrance has already been created into the field to allow camping and the supporting events to take place.

A new access has been created to the field within which the camping and arts activities are taking place. The highway authority had concerns about this when consulted on the development in October 2015. More information is provided in support of this application to clarify (a) the exact location and design of the entrance (shown on the site layout drawing) and (b) the speed and volume of traffic passing the site (the traffic count data discussed above). This shows that there is adequate separation (10m) between the new camping field access and the access to the barns residential units and that by moving the fence line back by 0.5m adequate vicinity can be provided for the local traffic conditions.

Parking

The answer to question 10 in the application form states that there is currently no parking on the site and that provision would be made for 3 to 6 vehicles. A 6m x 30m parking area is shown on the site layout drawing and a note by it explains that its location will not be fixed so that grass on which vehicles park is not permanently lost. Informal cycle parking would presumably be available by dint of the site being a field.

Accessibility

The DBC document 'Accessibility Zones for the Application of Car Parking Standards' indicates that the site lies in accessibility zone 4, the lowest band in this assessment.

The answers to the 4th and 5th elements of question 6 in the application form indicate that no changes to Rights of Way in the vicinity of the site are proposed.

Servicing Arrangements

No information is provided regarding servicing of the site and a servicing arrangement is required refuse collection. Presumably the arrangements that are in place for the existing buildings around the site would apply.

Planning Obligations/Community Infrastructure Levy (CIL)

Not applicable to this development.

Considerations

The principal planning considerations in determining this application are:

- i) whether the development constitutes inappropriate development or adversely affects the openness of the Green Belt;
- ii) the impact of the proposal on the character and appearance of the locality;
- iii) the impact on neighbouring occupants' amenities; and
- iv) whether the development would be acceptable with regards to the impact on the local road network.

Impact on the Green Belt

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the purpose of including land in the Green Belt; effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt; if it is inappropriate development are there any very special circumstances to justify its approval.

Appropriateness

The site lies within the designated Metropolitan Green Belt where there is a presumption against inappropriate development. The NPPF (Paragraph 87) identifies that within the Green Belt *'inappropriate development is, by definition, harmful to the Green belt and should not be approved expect in very special circumstances'* and paragraph 89 continues *"A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: Provision of appropriate facilities for outdoor sport and outdoor recreation as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it."* The proposed use would support outdoor recreational activities but would introduce structures that would impact the openness of the Green Belt. This will be discussed further in the 'Openness' section below. The NPPF does not present any provision for the material change of use of land within the Green Belt and therefore the proposed change of use should be considered inappropriate unless there are very

special circumstances to outweigh any harm. The 'very special circumstances' supporting this application will be discussed later.

Openness

Paragraph 79 of the NPPF states that *"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* Policy CS5 of the Dacorum Borough Core Strategy ascertains that *"Within the Green Belt, small-scale development will be permitted: i.e. building for the uses defined as appropriate in national policy", provided that "it has no significant impact on the character and appearance of the countryside; and (ii) it supports the rural economy and maintenance of the wider countryside."* The proposal would have an extremely limited effect on views into and through the site. Mature hedgerows border the site and long distance views to the north and west are primarily obscured by lines of semi-mature trees. To the east and south, views are somewhat masked by the Brownlow Farm Barns complex and Fields End Farm. Overall, the application is considered to have an extremely limited impact on the openness of the Green Belt. The seasonal use and small-scale nature proposed development reinforces this. However, it must be noted that the site currently comprises an open field. This application would not preserve the current state of openness.

Purposes of including land in the Green Belt

It is necessary to consider whether the proposal would create undue harm when compared to the existing development. The NPPF, Paragraph 80, states, *"The Green Belt serves five purposes:*

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*

The proposal would not result in the unrestricted sprawl of a large built up area, would not result in neighbouring towns merging and would not harm the setting and special character of historic towns.

Quality of design and impact on the character and appearance of the area

Saved Policy 95 of the Dacorum Borough Local Plan (DBLP) discusses the scale and siting of campsites. It states *"sites for tents will be acceptable if they are of an appropriate scale, unobtrusively located, effectively landscaped and easily accessible from a primary road."* The proposal is small-scale, close to existing landscaping and easily accessible from Berkhamsted Road. The drawing '0624/01B' also offers the option of additional planting to mask the tepees from the Brownlow Farm Barns complex. This additional planting has already been implemented. The Core Strategy (Policy CS11) states that development should preserve attractive streetscapes. It is not felt that the proposed tipi's would create any significant harm to the streetscene.

Very special circumstances

An aim of the NPPF is to promote sustainable development and paragraph 28, part 3 'Supporting a Prosperous Rural Economy' offers the guidance that economic growth should be supported in rural areas with a positive approach taken to sustainable new development in order to create employment and general prosperity. The document identifies that this should be achieved by local plans which:

- *“Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- *Promote the development and diversification of agricultural and other land based rural businesses; and*
- *Support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.”*

This approach is echoed in Dacorum's Local Plan (Policy NP1) – *“The Council will take a positive approach to the consideration of development proposals, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will work proactively with applicants to find solutions for development proposals that help to improve the economic, social and environmental conditions in Dacorum. Proposals which accord with the development plan will be brought forward and approved unless material considerations indicate otherwise.”*

The NPPF (paragraph 81) also identifies that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide outdoor recreation. Therefore, outdoor recreation represents an acceptable departure from the general presumption against development within the Green Belt. The provision of the tipi's and the ancillary structures relate to a form of outdoor recreation and tourism that is dependent on a rural setting.

The proposed use would produce income from a currently undeveloped agricultural field and provide some wider economic benefits. Tourism is acknowledged to bring considerable benefits to the Borough and a mix of tourist accommodation is an important component of the attraction to the area as a holiday location. Currently there are no licensed campsites in Dacorum. It is felt that this small-scale venture would be a positive approach towards introducing tourism-based outdoor recreation to the Borough. Moreover, the low impact and low intensity use of the land is considered to be appropriate to the rural setting and respects the character and appearance of the area.

Impact on the amenity of neighbours

Consideration has been given to the impact that the proposal would have on the neighbouring properties. Policy CS12 states that regarding the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy.

Although there are no directly adjoining neighbours, the Brownlow Farm Barns

complex is situated just over fifty metres from the proposed camping area. The majority of the residents occupying these dwellings signed a petition in objection to the application. A number of other objection letters have been received from different parties. The main issues raised by the objectors have been summarised and addressed below.

Vehicular access and traffic

Neighbouring residents are concerned with the proposed access onto Pouchen End Lane, a single-track lane, which is unlit at night. Concerns have also been raised regarding the potential increase in traffic and consequent intensification of the surrounding road network. These points will be addressed later in the 'Access, Car Parking and Highway Safety' section.

Noise, light pollution, sanitation, litter and waste

The development site is situated in a tranquil location and many of the neighbours are anxious about the potential noise nuisance that could accompany the proposal. Furthermore, many residents are worried that the campsite may expand in scale and numbers of customers, encroaching on their properties and having a negative impact on their amenities.

This issue appears to have been exacerbated by a school event that was held at the site on the last weekend of July 2015. A number of vehicles entered the site and a number of additional tents were erected. One of the neighbours commented that *"the noise from the amount of cars using the lane was noticeable and constant"*.

It is apparent that the applicant would need to apply for a license for the campsite. Using the site without a licence would then be a licencing offence. Environmental Health (whom issue the license) responded to the application by saying *"In regards to the noise, the owners would have to ensure that the noise level is reasonable. We would look to take action under the Environmental Protection Act 1990 if we received complaints from neighbours that proved a statutory nuisance exists."*

Other issues that may be dealt with by conditions on the licence are as follows:

- Controlling the types of tents on the site, and their positioning;
- Potable drinking water and adequate drainage facilities;
- Good site housekeeping;
- Electric and gas safety;
- Fire safety and firefighting equipment; and
- Sanitary facilities, that services and equipment are supplied and maintained.

It appears that a number of issues raised by the objectors could be dealt with under the licence. A number of residents were concerned about sanitation, refuse and fire safety, all of which would be safeguarded by the licence. If noise disturbance is proven to be an issue, the Environmental Health Act 1990 would protect the neighbours.

The license may also restrict the numbers of customers and tents. However, if approved, a condition would be attached to the decision notice to ensure that the camping area does not extend beyond the 'tipi area' (44.5m x 25m) as defined on

drawing '0624/01B'. The site would also be conditioned so that it could only operate for certain months of the year (March-October and December).

Number of visitors, tents and vehicles

The campsite license states the following:

“The site density shall not exceed seventy five units (caravans, motor caravans, or tents) per hectare (thirty units per acre) calculated on the basis of usable area.”

The proposed campsite would have an area of 1112.5m² (44.5 x 25m). Based on the calculations above, the license would limit the proposed camping area to a maximum of eight tents. Further to this, the license states:

“A tent shall be so placed as to be at a distance of at least three metres from any other tent and so that at least one metre separates the guy ropes of one tent from those of any other tent; provided that any two tents may be pitched together to form one tent, in which case the distance shall apply to the tent so formed as if it were one tent.”

This further limits the area available for camping and ensures that the camping area would not be cramped. Regarding the information above, it is not considered that there would be a large number of visitors or vehicles entering the site.

Safety / security

The Brownlow Farm Barns petition noted that *“the security of our site is and will be further compromised.”* The proposed campsite is separated from the barns by low posted wooden fencing. The Brownlow Farm Barns complex is also separated from the road by low posted wooden fencing. Although the proposed campsite would be attracting more people to stay within close proximity to the barns, it may actually act as a deterrent to burglars.

Hertfordshire Constabulary (Crime Prevention Unit) were consulted for further guidance on this matter. They responded with the following: “Security for nearby dwellings would not be any more affected than it is at present, and the proposal has the potential for increased natural surveillance in the area.”

Due to the sensitive nature of the application site (being located within close proximity to a number of residential units and within the Green Belt), it is proposed that if approved, the application would be given a trial run and conditioned as a year-long temporary permission. If the proposal then raised ongoing security issues or created constant negative impacts on the neighbouring residents, the permanent permission would not be approved.

Visual intrusion

The petition submitted from the residents at Brownlow Farm Barns stated *“the tepees and toilet/wash areas do not preserve the openness of the Landscape and are not unobtrusively located.”* As mentioned previously, the proposal is small-scale and has been positioned close to existing landscaping. The proposed camping area is located over fifty metres from the closest barn and is only visible from a limited number of windows. Additional planting has been implemented to further soften the appearance of the proposed campsite.

It is considered that the application would not warrant a refusal with regard to the impact on the amenity of neighbours. The proposal would have a limited impact on the neighbouring properties in terms of visual intrusion and no impact in terms of loss of light in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the DBLP. Other issues raised by the neighbours can be safeguarded under various planning and licensing conditions.

Maintenance, litter and waste

The license covers this issue, stating: "The grass within the site and all natural boundaries shall be kept trimmed and the whole area maintained in a tidy and orderly state, free from accumulations or refuse and litter."

Discrimination

A neighbouring resident has commented on the application regarding discrimination to and the stereotyping of Native Americans. Although these comments should be acknowledged, they would not form a material planning consideration and thus, would not have any impact on the outcome of this decision.

Impact on access, car parking and highway safety

Hertfordshire Highways Department made the following comments on the application: *"Collision data held by HCC indicate that during the last 5 years there have been no incidents resulting in personal injury on the stretch of Pouchen End Lane from its junction with Hempstead Lane/Berkhamsted Road to the north and the bridge under which it passes the west coast main railway line. The document described on the DBC website as a Transport Assessment is a 49-page document supplied by Nationwide Data Collection recording the results of the traffic speed and volume survey they carried out in January 2016. This was carried out in response to the earlier concerns of the highway authority about the interaction of traffic using the site entrance, vehicles using the adjacent entrance to Brownlow Farm Barns and traffic on Pouchen End Lane itself. The survey was taken over a full 7 day period starting on 19 January 2016. Daily average flows were 141 vehicles northbound, 134 southbound and 275 two-way. Mean speeds were 26mph northbound and 26.4 southbound with corresponding 85th percentile values of 32.4 in both directions. During a site visit at lunchtime on Tuesday 27 October 2015 the following movements were observed over 20 minutes: one car, one van and two pedestrians. The weather was sunny and road surface was dry."*

"The answer to question 10 in the application form states that that provision would be/ has been made for 3 to 6 vehicles to park on site. This level of off street parking space would generate a low number of two way trips. It follows that the number of visitors is likely to be anywhere between 30 to 40 in total. This level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity. The Highway Authority does not wish to restrict the grant of permission."

Heritage / Conservation

The Brownlow Barn Farm complex is considered to be a non-designated heritage asset and is considered to make a positive contribution to the local landscape.

As required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard to the desirability of preserving listed buildings and their settings is required in assessing this proposal.

Dacorum's Conservation and Design department were consulted to assess the impacts of the proposal on the appearance and setting of the barns complex. They responded with the following:

"There are currently 3 tipi's on the site and a portable shower and toilet, they are located adjacent to the lane and are set away from the residential properties at Brownlow Farm barns. The tipi's are fairly large but are not permanent structures and I don't consider them or the other facilities on site to have an impact upon the setting of Brownlow Farm Barns".

Policy CS27 (Quality of the Historic Environment) explains that *"All development will favour the conservation of heritage assets", "The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced."* Following the advice from the Conservation and Design team, it is not considered that the proposal would impact upon the setting of the Brownlow Farm Barns.

Permitted Development Rights

The following should be noted.

Classes A of Part 5 of the General Permitted Development Order (GPDO) 2015 allows the use of land as a caravan site for up to five caravans without the need for planning permission. However, the site must be approved by exempted organisations such as the Camping and Caravanning Club. Permitted development rights only apply to the use of the land and not any buildings such as those providing facilities for the users of the caravans, which would require planning permission.

Class C applies to tented camping and allows *"the use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use"*. Recreational organisations are those holding a certificate of exemption under section 269 of the Public Health Act.

Part 4 Class B of the GPDO allows for the temporary use of land for up to 28 days in total for the provision on the land of any moveable structure. On this basis, the site could be used for camping or caravanning purposes for up to 28 days a year in total; or for tents and up to five caravans for an unlimited period without the need for planning permission providing the site is approved by exempted organisations with the relevant certification. Any buildings would, however, be classed as development and planning permission would be required for their construction.

Conclusion

The NPPF does not present any provision for the material change of use of land within the Green Belt. Therefore, the proposal should be considered inappropriate unless very special circumstances are proven to outweigh the harm. The 'very special circumstances' are deemed adequate to warrant an approval on this application. To

summarise, the special circumstances comprise:

- First licensed campsite in Dacorum;
- Supports the sustainable growth and expansion of business and enterprise in the rural area;
- Promotes the development and diversification of agricultural and other land based rural businesses;
- Support sustainable rural tourism and leisure developments that benefit business in the rural area, communities and visitors; and
- Respects the character of the countryside.

The proposal is considered to have a minimal impact on the openness of the Green Belt. Although the tipi's would create more of an impact on the Green Belt than an empty field, there would be no significant harm to the openness or visual amenities of the area. The proposal would diversify the mix of tourist accommodation within the Borough and contribute to the economic growth in this rural locality. If approved, a condition would be imposed to ensure that the campsite is only available for use for certain months. Further to this, the application would be subject to a 'one-year temporary permission' condition to safeguard the neighbouring residents if any consistent issues arise. The licensing agreement would also safeguard the neighbouring residents and ensure that the site is maintained in acceptable manner. Overall, it is felt that the proposal would have a positive impact on the Borough and therefore, the application is recommended for approval.

Additional Information

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable.

RECOMMENDATION - That planning permission be **GRANTED** subject to the following conditions:-

RECOMMENDATION -

- 1 This permission is for a limited period expiring on the 23th October 2017 by which time the change of use shall have ceased and the teepees and ancillary equipment shall be removed from the site unless otherwise agreed with the Local Planning Authority.**

Reason: To enable the local planning authority to review the position in the light of circumstances prevailing at the end of the period.

- 2 No teepee or other tent shall be placed outside the designated 'teepee area (44.5 x 25m)' as defined on drawing 0624/01D.**

Reason: To safeguard the amenity of the neighbouring residents in accordance with Policy CS12 of the Dacorum Borough Core Strategy.

- 3 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

0624/01D

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 35 Statement

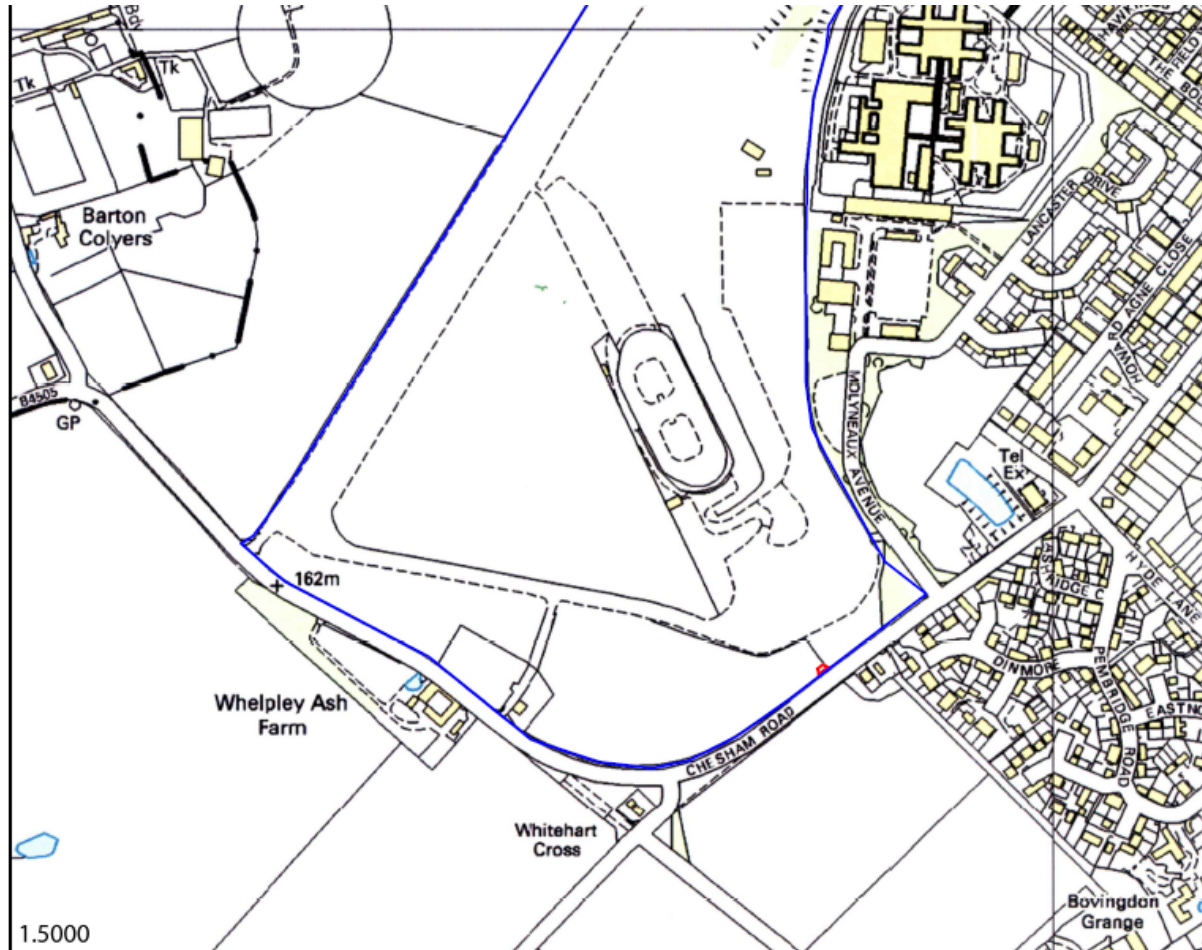
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015.

Agenda Item 5b

Item 5b

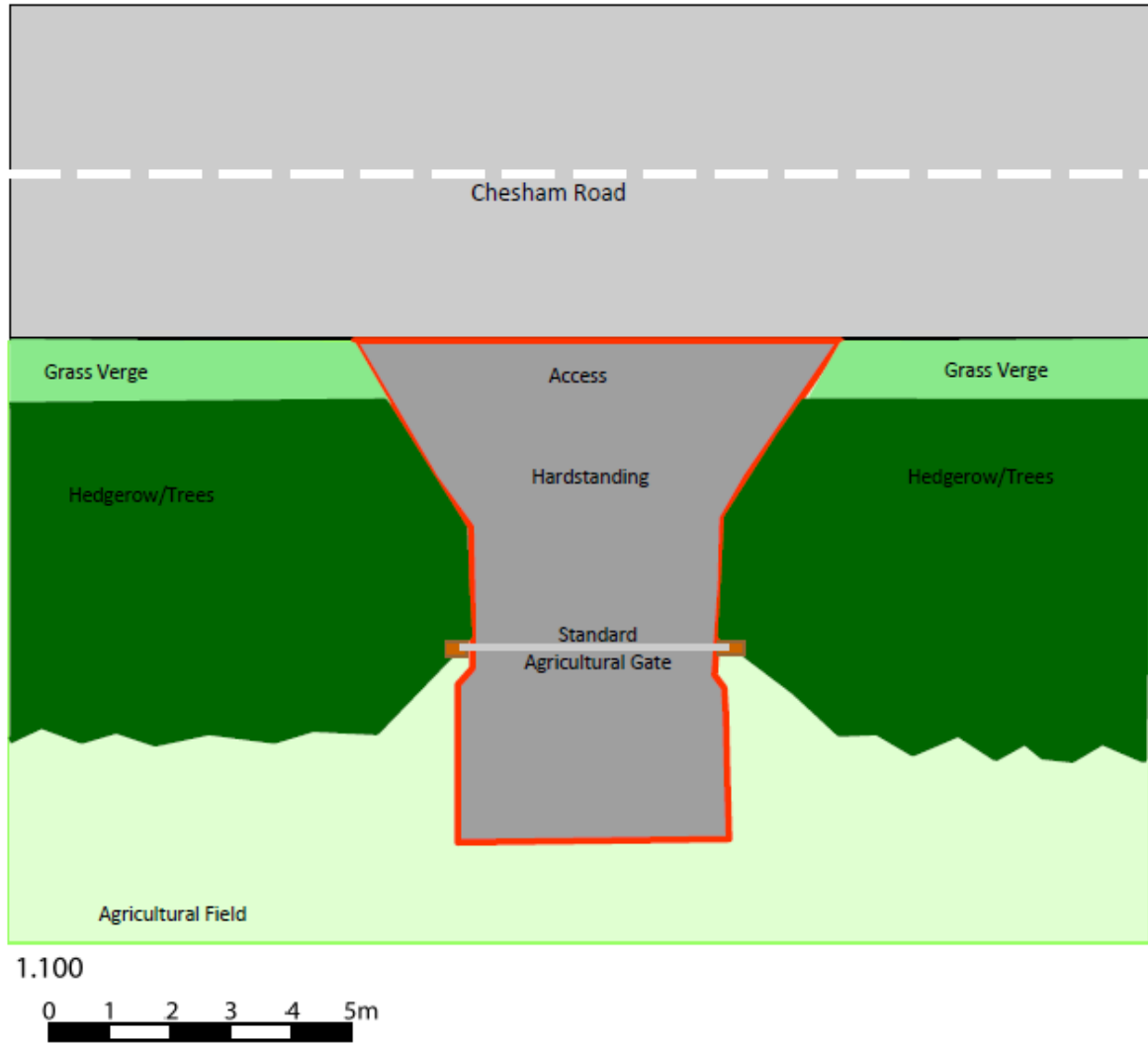
4/03428/15/RET - AGRICULTURAL ACCESS FOR LAND AT BOVINGDON AIRFIELD

BOVINGDON AIRFIELD, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD



Item 5b

4/03428/15/RET - AGRICULTURAL ACCESS FOR LAND AT BOVINGDON AIRFIELD
BOVINGDON AIRFIELD, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD



**4/03428/15/RET - AGRICULTURAL ACCESS FOR LAND AT BOVINGDON AIRFIELD.
BOVINGDON AIRFIELD, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD.
APPLICANT: WJ & M Mash Limited.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The principle of the vehicular access serving agricultural land in this Green Belt location is acceptable. There is no highway safety objection subject to the access being only used for agricultural vehicles and the imposition of other highway related conditions.

Site Description

A vehicular access has been formed on the north west side of the Chesham Road (B4505), just beyond the built up limit of Bovington within the Green Belt. This has been subject to an enforcement investigation.

It is located about 100m south west of the Chesham Road - Molyneux Avenue junction. The Chesham Road - Ley Hill Road junction/ bend is approximately 160m to the south west.

The access serves agricultural land at Bovindgon Airfield which is separated from the carriageway edge by a 1.6m high metal gate supported by brick piers. There is a 4m wide and 6m length hardsurfaced short accessway between the gate and the carriageway edge.

There are wide elongated highway grass verges to each side of the access bounded by trees / hedging planting providing sight lines in both directions. There is no public footpath on this side of Chesham Road. The access is within the 30 mph limit. To the south west of the 30mph limit this changes to 40mph about 80m from the access.

Proposal

This is for the existing access to be used for agricultural purposes only.

The Agent has confirmed that the Airfield features 60 acres of newly established grass ley. The grass is usually rotated with arable crops, but grass ley will be grazed by cattle and cut for silage.

The Agent has explained the existing access points are to the Airfield and not ideally suited for large agricultural machinery. The Agent notes road speeds on the existing access points are not ideal for slow moving flat trailers, cattle trailers etc and therefore the access has been constructed within the 30mph zone.

Relevant Planning History

Planning permission 4/0189/15/MFA was recently granted for the relocation of the Bovindgon Airfield Market with associated modifications to the access arrangements.

The report noted the following regarding the highway implications including reference in the 3rd paragraph to the access subject to the current application:

'This application does not seek to alter the current access arrangements (off Chesham Road, at the westernmost point of the site), or the existing egress (nearly opposite Whelpley Ash Farm). As the size of the market (in terms of the land covered by market stalls) is also remaining the same, it is considered that the proposals would not result in any adverse impact on the public highway.

A further egress is proposed onto Molyneaux Avenue and it is noted that this aspect has generated an objection from the prison, who have raised a concern that this would add to traffic flows using Molyneaux Road at a time when family visits take place, and Bovingdon Parish Council. However, this is a historical access onto the site and is already in use. Nevertheless the original planning permission for the market did not include this egress. It must be noted that the vast majority of visitors would continue to use the existing egress onto Chesham Road, while only a small proportion of the overall traffic volume would use the egress onto Molyneaux Avenue. To ensure that the current traffic movements continue in this fashion it is necessary to add a condition seeking that only staff and market traders use the Molyneaux Avenue egress.

Other local residents have complained about a new access that has been formed off Chesham Road (between the current egress and the junction with Molyneaux Avenue). However, as the submitted documents clearly show this new access is not connected with the market's plans and is outside of the red outline of the site. It must further be noted that this newly formed access is unauthorised and is currently subject to a planning enforcement investigation, which may seek to enforce the removal of this access and the re-insertion of the roadside hedge at this point.

Overall, it is considered that this application could not be refused on highways grounds and it is noted that this development is considered acceptable to the Highway Authority'.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Bovingdon Parish Council following two consultations.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Guidance Notes

Dacorum Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS5 – Green Belt

CS8 - Sustainable Transport

CS9 - Management of Roads

CS10 - Quality of Settlement Design

S12 - Quality of Site Design
CS25 –Landscape Character
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
Countryside Place Strategy Paras 26.10 and 26.13

Saved Policies of the Decorum Borough Local Plan

Policy 52
Policy 54
Policy 61
Policy 63
Policy 99
Appendices 1, 2, 3, 4, 5 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)

Representations

Bovingdon Parish Council

First Consultation

Object . The Parish Council query the necessity to have another gate and to clarify what is the agricultural use. As there are other accesses to the site another access is not required.

Additional Information provided by the Agent

In our opinion the existing accesses are large enough for agricultural vehicles and if not, then suggest modify existing access rather than create new one.

Trees & Woodlands

No response.

Scientific Officer

No response.

Hertfordshire County Council : Highways

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to recommended conditions.

Hertfordshire County Council has no objection to the proposed new agricultural access

subject to the applicant entering into a S278 Agreement and the following conditions.

Recommended Conditions

Condition 1. Use of this access, hereby granted, is restricted only to agricultural vehicles. Reason: In the interests of highway safety.

Condition 2. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (JR-DM-2.0) in accordance with Roads in Herts Design Guide 3rd Edition. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

Condition 3. Prior to the commencement of the use hereby permitted visibility splays measuring 2.4 x 120 metres to southwest and 2.4 x 90 metres to northeast shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. Reason: In the interests of highway safety.

Condition 4. Prior to commencement of the use hereby permitted, any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to the front boundary of the site. Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened.

Other Recommendations

S278 Agreement: Work within the highway boundary must be secured and approved via a S278 Minor Works Agreement with HCC

Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Analysis

1. Description of the Proposal. This is an application for an agricultural access. The access has already been created; the gate has been installed, hardcore 'scalpings' laid and the boundary hedge has been substantially cut-back.
2. Location of Access. A field access is proposed from B4505, a secondary distributor, to the southwest of Bovington village. The access is located within a 30mph speed limit. The limit changes to 40mph approximately 80m from the access.
3. Analysis. It is appropriate that the standards found in Design Manual for Roads & Bridges be used to analyse this application.
4. Sightliness. The applicant has not provided any information about the volume and speed of traffic on B4505, nor has it been separately measured. The approach speed from the southwest is however expected to exceed the 30mph speed limit. In order to

provide a factor of safety it is appropriate to assume that the speed limit is 40mph and provide sight lines accordingly, as confirmed by Dermot McCafferty, Highways & Transport Consultants, in their letter dated 2 February 2016. The sight line for a 40mph speed limit is 2.4m x 120m.

From a site inspection, it appears that the sight line towards the southwest is partially obscured by a 'gateway feature' previously installed by Hertfordshire County Council some time ago. The street furniture included within gateway feature is; 3 traffic signs, 2 posts, a wooden post and a '5-bar' gate. Whilst it might be possible to see-through the gaps, due to its distance from the access, an oncoming small car or motorcycle would be significantly, if not fully, obscured from vision at the new access. In addition, it is apparent that, without maintenance the boundary hedge would also limit visibility. The result is that the unobscured sightline to the southwest is approximately 2.4 x 85m. This is not acknowledged within the application.

As there is no traffic speed data, it is not possible to determine whether the unobscured sight line of 2.4 x 85m is appropriate. However, working backwards, it can be stated that 85m equates to stopping sight distance for an approach speed of approximately 36mph.

5. Trip Generation. As this application is for agricultural access, it is expected that the number of vehicles using the access will be very low. If its usage was restricted to only vehicles with an agricultural purpose, it is suggested that the risks associated with the available sightlines would be acceptable, provided the boundary hedge was maintained.

There is however reference to the 'ultimate use' of the land within the letter from Dermot McCaffery. Should an intensification of use be intended e.g. for the market, it is recommended that a survey is undertaken to determine the actual approach speed of traffic from the southwest. An intensification of use would require more rigid application of uninterrupted sight lines.

6. Layout of Access. As this access is expected to be little used it is acceptable for its layout to be that of a simple crossover, with kerbs placed along the edge of the carriageway.

Conclusion.

This assessment identifies highway safety risks should the use of this access intensify above that associated with agricultural purposes. However the Highway Authority does not wish to restrict planning permission for the current application for agricultural access, subject to the above mentioned conditions.

Response to Neighbour Notification/ Site Notice

None.

Considerations

The key issues are the respective rural economy, the Green Belt and highway safety implications.

The application must be determined on the basis that no consideration is given to the fact that the access has already been constructed.

Policy and Principle: Rural Economy and Green Belt

Rural Economy

Paragraph 28 of the NPPF supports a prosperous rural economy. Planning policies should support economic growth in rural areas, including the promotion of the development and diversification of agricultural and other land-based rural businesses.

Dacorum Core Strategy Countryside Place Strategy Local Objectives include supporting the local economy particularly farming and local food production. Core Strategy Paragraph 26.9 confirms that 'to ensure a prosperous countryside, the needs of farmers and others engaged in land management activities will be recognised and supported through planning policies', with infrastructure for agriculture lacking in the Borough.

The access will serve an established agricultural use in accordance with national and local policies supporting the rural economy. The Agent has confirmed that the land to which the access serves is in agricultural use. This information has recently been received (and since HCC Highways advice):

1. The agricultural holding is situated just outside Chesham in Buckinghamshire and consists of approximately 465 Hectares of grass and arable land. Torrington Farm is central to the main operations of the farm and has been farmed by the Mash family for over 100 years.
2. WJ & M Mash have been breeding pedigree Limousin cattle (Brockhurst Herd) since 1988 and have around 230 head of cattle, with approximately 100 breeding cows, 6 breeding/stock bulls and the remainder calves and young stock. Calving occurs at set times throughout the year.
3. The first cattle purchases came from the famous Tanhill and Uplands sales and further animals have been imported from France and Ireland. The initial cattle that were imported had a big influence on the breeding within the herd and they have achieved many successes in the show ring.
4. Since 1988 the herd has bred many prize winning cows and bulls and accolades include Royal Show Champion, Royal Highland Champion, Female Champion at the Royal Show, Reserve Interbreed Champion at the Suffolk Show, Interbreed Champion at the Kent Show, Bucks Show, East of England Show and Royal County of Berkshire Show.
5. Approximately 360 hectares of the 465 hectares is dedicated to the arable enterprise within a crop rotation of wheat, barley, peas and oil seed rape. The remainder of the land is grass and grazing land associated with the cattle enterprise. The land at Bovingdon Airfield is primarily utilised as part of the cattle enterprise. The land at Bovingdon Airfield is grazed by the cattle but is also cut for silage up to 3 times a year. In order to maintain the land at Bovingdon Airfield, the land is regularly fertilised, rolled/harrowed, has muck spread on it and is sprayed.
5. The soil at the airfield is a medium clay loam that has a five year ley of Italian and perennial rye grass. During 2015 the grass was grazed by the cattle and also harvested for a number of silage cuts. In the next few weeks cattle will return to the

grass at the Airfield.

6. The agricultural land at Bovingdon Airfield forms an essential part of the cattle enterprise and is heavily relied upon for grazing and silage for feed. To transport livestock and silage bales, tractors and trailers are utilised. The access which is the subject of this application provides the best sight lines of any access at the airfield. The sight lines on the proposed access provide the drivers of slow and long agricultural machinery (tractor plus trailers are a maximum of 18m and 25m in length depending upon the number of trailers) more time to anticipate vehicles moving on the road, improving their safety and more importantly, the safety of other road users.

7. As with all good land management and livestock management, inspections are regular (cattle up to three times a day) and the grassland requires constant maintenance. The average movements in a day at the new access is six. It is likely however that this would significantly increase during times of silage cutting and carting during the summer and spring months, but this would be limited to less than 10 days in the year.

It is accepted that the access serves an established agricultural use.

Green Belt

Core Strategy Paragraph 26.13 confirms that there are still pockets of derelict land associated with Bovingdon Airfield, which is within the Green Belt and will in time revert back to their more natural state.

Agricultural buildings are acceptable in the Green Belt. Also NPPF Paragraph 89 of confirms 'certain other forms of development not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt'. These include engineering operations.

The purposes of the Green Belt are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal involves an engineering operation which is an acceptable form of development in the Green Belt to serve an appropriate use in the Green Belt. Therefore the principle of the development is acceptable. The development will not affect the established openness of this part of the Green Belt.

There will be no overriding harm to the visual amenity of the Green Belt, taking into account the need to maintain the respective visibility sight lines by regular maintenance of the grass verges (see HCC Highways response).

Highway Safety

Hertfordshire County Council Highways has comprehensively assessed the safety implications.

Fundamentally it will be necessary to ensure the access is **only** used for agricultural purposes.

On this basis HCC Highways has concluded that the access is acceptable. This is subject to the imposition of conditions and the separate approval by the Highway Authority. These include the upgrading of the existing unlawful access (including the drainage to ensure that there is no surface water discharge onto the highway) and the permanent provision of the recommended sight lines within the verge.

Other Issues

There are no other apparent objections. This takes into account soft landscaping , ecological implications, security, drainage, contamination and there being no requirement for an environment impact assessment.

Conclusions

National and local policies support the very important role of agriculture in the rural economy. The access is appropriate development in the Green Belt which will not affect its openness.

Based upon the Agent's information there is an agricultural requirement for the access which Hertfordshire County Council Highways Unit considers to be safe. This is only subject to its use for agricultural purposes.

Subject to the imposition of conditions the access is recommended for permission.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **Use of the vehicular access hereby permitted shall only be used for agricultural vehicles and shall not be used for any access to Bovingdon Market subject to Planning Permission 4/01889/14/MFA for the relocation of market from east/west runway to north-west/south-east runway, reconfiguration of associated car parking areas, installation of office and toilets, and formation of landscaping (including new bund).**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy, to accord with the details submitted with the application and for the avoidance of doubt.

- 2 **Notwithstanding the submitted details the vehicular access hereby permitted shall not be used until it is constructed fully in accordance with Roads in Hertfordshire Design Guide 3rd Edition.**

Reason: To ensure satisfactory access into the site and to avoid carriage of

extraneous material or surface water from or onto the highway in accordance with Policy CS12 of the Dacorum Core Strategy.

- 3 **The vehicular access hereby permitted shall at all times be served by visibility splays measuring 2.4 x 120 metres to southwest and 2.4 x 90 metres to northeast to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2 metres above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy .

- 4 **The access gate (and any associated bollard, chain or other means of obstruction) shall be hung to open inwards at all times and maintained at a minimum distance of 6 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to the front boundary of the site.**

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction in accordance with Policy CS12 of the Dacorum Core Strategy.

- 5 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

JR-DM-2.0

JR-DM-3.0

JR - DM -4.0 : Site Plan

JR-DM-4.0 : Visibility Plan

JR-DM-4.0 : Elevations Plan

JR-DM -1.1

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES

Highway Works

Section 278 Agreement: Work within the highway boundary must be secured and approved via a S278 Minor Works Agreement with Hertfordshire County Council Highways Authority.

Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1.

Contamination

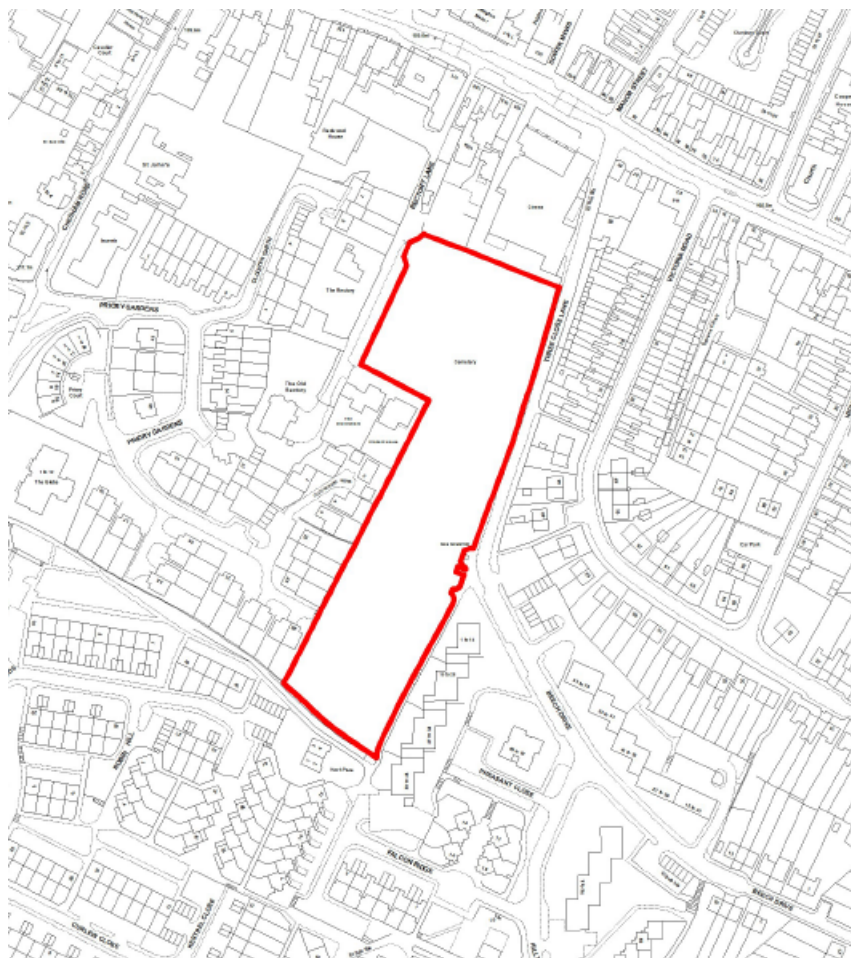
The developer should keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Agenda Item 5c

Item 5c

4/01183/16/ADV - ERECTION OF TWO SIGNS, ONE AT THE ENTRANCE TO THE CEMETERY FROM THREE CLOSE LANE, ONE AT THE ENTRANCE FROM RECTORY LANE TO ACKNOWLEDGE HERITAGE LOTTERY/BIG LOTTERY FUNDING OF THE RECTORY LANE CEMETERY PROJECT

THE CEMETARY, RECTORY LANE, BERKHAMSTED



Item 5c

4/01183/16/ADV - ERECTION OF TWO SIGNS, ONE AT THE ENTRANCE TO THE CEMETERY FROM THREE CLOSE LANE, ONE AT THE ENTRANCE FROM RECTORY LANE TO ACKNOWLEDGE HERITAGE LOTTERY/BIG LOTTERY FUNDING OF THE RECTORY LANE CEMETERY PROJECT

THE CEMETARY, RECTORY LANE, BERKHAMSTED

Rectory Lane Cemetery Project: Signage

750 x 1350



Sign 1: Rectory Lane Entrance



Sign 2: Three Close

Lane



**4/01183/16/ADV - ERECTION OF TWO SIGNS, ONE AT THE ENTRANCE TO THE CEMETERY FROM THREE CLOSE LANE, ONE AT THE ENTRANCE FROM RECTORY LANE TO ACKNOWLEDGE HERITAGE LOTTERY/BIG LOTTERY FUNDING OF THE RECTORY LANE CEMETERY PROJECT. THE CEMETARY, RECTORY LANE, BERKHAMSTED.
APPLICANT: The Friends of St Peter's Great Berkhamsted.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

Site Description

The application site is located to the western side of Three Close Lane, to the south of the High Street in Berkhamsted and comprises 'The Rectory Lane Cemetary'. The cemetary gates/ entrance walls are locally listed.

The Rectory Lane Cemetery Project is being carried out under the aegis of the Friends of St Peters, Berkhamsted. The aim is to transform this previously neglected place into an open space in the heart of the town, by conserving the historic fabric and monuments and improving access, facilities and interpretation through some carefully devised interventions. The Project has received national recognition by receiving a Round 1 Pass under the Heritage/Big Lottery Fund's Parks for People grant scheme. It is mandatory to acknowledge the Lottery fund's assistance, hence the application for signage.

Proposal

Advertisement consent is sought for the erection of two temporary signs, one at each entrance. Measuring 0.75m in height by 0.14m in width the signs would comprise blue text on a white background and be erected 3m above ground level. The signs would acknowledge Heritage Lottery / Big Lottery funding of the Rectory Lane Cemetary Project. The application seeks consent for the signs to be erected until March 2017.

Referral to Committee

The application is referred to the Development Control Committee as the applicant is employed by Dacorum Borough Council.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

NP1 - Supporting Development
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Policy 112 - Adverts

Advice Notes and Appraisals

Conservation Area Character Appraisal for Berkhamsted.

Summary of Representations

Berkhamsted Town Council

Awaiting comments

Hertfordshire Highways

No Objection

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Decision: Hertfordshire County Council as Highway Authority does not wish to restrict the grant of planning permission for the erection of two signs to acknowledge heritage lottery / big lottery funding of the Rectory Lane cemetery project. The signs will not impact upon the highway user.

Conservation and Design

The Rectory Lane Cemetery Project aims to transform the existing cemetery site by conserving the monuments, improving access, providing facilities and new interpretation. The project has received funding from the Heritage / Big Lottery Funds Parks for People grant scheme.

The project will be carried out over the next few months and as part of the funding agreement it is mandatory to acknowledge the lottery fund's assistance, hence this application for signage. The temporary signage will be placed on a wall and the gable end of a building (locally listed) within the Conservation Area. The proposed signage is not considered to harm the character of the Conservation Area and is only temporary in nature. Recommend approval.

Constraints

Locally Listed Building, Conservation Area, Tree Preservation Order, Area Archaeological Significance, Open land.

Key Considerations

The main issues of relevance to the consideration of this application relate to the impact of the proposed advertisements upon the character and appearance of the locally listed building, the street scene, the conservation area and highway and pedestrian safety.

Effect on Appearance of Existing Building / Street Scene / conservation Area

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area, adjacent properties in terms of scale, massing, materials, layout, bulk and height. Furthermore, saved policy 112 of the Local Plan (1991) and Supplementary Planning Guidance for Advertisements (2004) states that advertisements should be sympathetic in size, appearance, design and position to the site on which it is displayed.

The proposed design and scale (0.75 metre height, 0.14 metre width and 0.01 metre depth) of the two proposed signs would be acceptable and would not detract from the overall character and appearance of the walls/ entrance gates of the cemetery. The signs have been carefully selected to appear prominent (so as to advertise the funding secured) without dominating or harming the site or area. The signs are temporary so will be removed once the restoration works are complete (application seeks consent until March 2017).

Overall, it is considered that the proposed advertisement signs would not harm the character and appearance of the locally listed building, surrounding street scene and conservation area. As such, the proposal accords with policies CS11 and CS12 of the Core Strategy (2013), saved policy 120 of the Local Plan (1991), the NPPF (2013) and the Supplementary Guidance for Advertisements (2004).

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Policy CS12 of the Core Strategy (2013) seeks to ensure that new development does not result in detrimental impact on neighbouring properties and their amenity space.

The advertisement signs would be located on the existing cemetery walls, and therefore would not be located adjacent to any residential properties, resulting in no adverse impacts.

Impact on Highway and Pedestrian Safety

Saved policy 56 of the Local Plan (1991) states that the advertisement displays must be appropriate to the site location and should not distract highway users or adversely affect public safety.

The temporary signs would be mounted on timber construction boards, would not be illuminated and given their modest size and scale are not considered to impact upon the safety of the public Highway users and thus the proposal adheres with saved policy

56 of the DBLP 1991-2011. Herts County Council Highways have raised no objection.

RECOMMENDATION – That Advertisement Consent be **GRANTED** for the reasons referred to above and subject to the following conditions;

1. This consent is granted for a period of one year commencing on the date of this notice.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement shall be sited or displayed so as to: -

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);**
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or**
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

7. The advertisements hereby approved shall not be illuminated.

Reason: To safeguard users of the adjacent highway in accordance with Policy 56 of the Dacorum Borough Local Plan.

Article 35

Advertisement consent has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Agenda Item 6

APPEALS

A. LODGED

4/02578/15/FUL Mr Hazell
ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND
CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA
FOLLOWING THE REMOVAL OF 1 NO. COMMON ASH TREE
BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/00488/16/ENA MR A MATHERS
APPEAL AGAINST ENFORCEMENT NOTICE, CONVERSION OF ONE
DWELLINGHOUSE TO SEVEN FLATS
1 AIREDALE, HEMEL HEMPSTEAD, HP2 5TP
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/03769/15/FUL RiverGate Homes Ltd and Paul and Elizabeth Rooksby
8 DWELLING UNITS - FOUR 3 BEDROOM HOUSES AND
FOUR 1 BEDROOM FLATS WITH ASSOCIATED PARKING
AND LANDSCAPING
26 STATION ROAD, BERKHAMSTED, HP4 2EY
[View online application](#)

A. LODGED

4/02578/15/FUL Mr Hazell
ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY
WALLING AND CONSTRUCTION OF NEW FENCING TO

FORM NEW LANDSCAPED AREA FOLLOWING THE
REMOVAL OF 1 NO. COMMON ASH TREE
BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/00488/16/ENA MR A MATHERS
APPEAL AGAINST ENFORCEMENT NOTICE, CONVERSION
OF ONE DWELLINGHOUSE TO SEVEN FLATS
1 AIREDALE, HEMEL HEMPSTEAD, HP2 5TP
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

Full decision below

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effects of the proposal on the character and appearance of the Berkhamsted Conservation Area with particular regard to the layout of the development and its effects on existing trees;
- whether the proposal would offer satisfactory living conditions for future occupiers with regard to the provision of external space and noise and disturbance.

Reasons

Conservation Area – Layout

3. The significance of the Conservation Area lies, in part, in its pleasing mix of housing and other buildings of varying ages and styles, interspersed with

established landscaping. This creates a mature and historic character which reflects the evolution of the area over time.

4. The appeal site comprises a long, relatively narrow area of land on the north side of Station Road. The land slopes up from south to north. Apart from a sub-station, the site is free of substantial built development and contains scrub planting. A row of mature trees runs just beyond its northern boundary. A strip of land between the site and Station Road is used for parking.

5. Due to the openness of the appeal site, the trees to the north are particularly prominent in the street scene. Together therefore, the appeal site and the adjoining trees contribute positively to the character and appearance of the Appeal Decision APP/A1910/W/15/3141028

2

Conservation Area and its significance. The somewhat unkempt appearance of the site and the presence of parked cars detract only slightly from this value. The Berkhamsted Conservation Area Appraisal and Management Proposals (BCAA) recognises that trees play a role in defining the character of the Conservation Area, whether singly, in clusters or groups, or in private, semi-public or public spaces.

6. Opposite the site, the south side of Station Road is lined by a stepped terraced of nineteenth century, two storey houses with short front gardens. The rear gardens are, however, relatively long. This built form and layout gives the street scene an urban character whilst offering glimpses of the larger spaces to the rear of buildings. These characteristics are also identified in the BCAA.

7. The appeal proposal would comprise a semi-detached pair of two storey houses and a terrace made up of two houses and four flats. The new buildings would follow the building line of the houses to the west and their scale, form and appearance would be generally in keeping with the houses opposite. However, the space to the rear of the new houses would be very narrow and, due to the rising ground level, dominated for much of its length by retaining structures. These characteristics would be apparent in the gaps between and at the ends of the new buildings, as well as from Gravel Path to the north which offers an elevated view of the rear of the site.

8. The layout of the development would, therefore, appear cramped and at odds with the characteristic pattern of development to the south. Whilst it would follow the alignment of the pair of semi-detached houses to the west, the open area adjoining that building, including the appeal site, lend it a spacious setting which would be largely lost as a result of the appeal proposal. Moreover, given their size and extend, the new buildings and retaining structures would close down the space in front of the existing trees and thereby diminish their contribution to the character and appearance of the Conservation Area.

9. As such, the proposal would cause less than substantial harm to the character and appearance of the Area and, in this regard, contrary to Policies CS12 and CS27 of the Council's Core Strategy 2013 (CS). Policy CS12 requires development to integrate with the streetscape character and respect adjoining properties in terms of layout and site coverage, among other things. Policy CS27 requires development to positively conserve and enhance the appearance and character of Conservation Areas. Nor would the proposal accord with paragraph 131 of the National Planning Policy Framework (the Framework) to the extent that it has similar aims.

10. The first reason for refusal also cites CS Policy CS10. However, this policy deals with design quality at the broad settlement level, rather than with the neighbourhood level and site specific concerns identified above.

Conservation Area - Trees

11. The second reason for refusal states that the proposal has failed to demonstrate that trees and landscape features would be satisfactorily retained and that there would be pressure to lop, top or fell the trees. I have already concluded that the trees to the north of the site make a positive contribution to the character and appearance of the Conservation Area. However, the application was supported by an Arboricultural and Planning Integration Appeal Decision APP/A1910/W/15/3141028

3

Report1. Notwithstanding that the Council's Conservation Officer appears not to have seen it, correspondence confirms that the Council did receive the Report2. It was also included in the appeal submissions and, therefore, I have taken it into account.

1 GHA Trees Ref GHA/DS/13360:15

2 Emails to the then applicant dated 16 November 2015 and the Planning Inspectorate dated 25 April 2016.

12. The Report is based on a survey of the affected trees and includes an assessment of their size, life expectancy and value. It also makes recommendations for works to the trees and protection measures. Based on my site visit observations and the evidence available, I have no reason to doubt the Report's findings on arboricultural matters. As such, I conclude that the proposal would not be detrimental to the character and appearance of the area by virtue of its direct effect on the trees within and adjoining the site. To this extent it would accord with CS Policy CS12 insofar as it requires proposals to retain important trees. The proposal would also meet the aims of Policy CS27 and Framework paragraph 131 in this regard.

13. However, for the reasons set out below, I consider that there would be pressure from future occupiers of the proposed dwellings to lop, top or fell the trees. Whilst the Council would have control over such works, if the effect of the trees was considered to be unreasonable, that would need to be taken into account. A significant reduction in the height of the trees would adversely affect their contribution to the Conservation Area, thereby causing less than substantial harm to its significance. Such an outcome would bring the proposal into conflict with CS Policies CS12 and CS27 and Framework paragraph 131.

14. The second reason for refusal also cites CS Policy CS10 and my comment above on this policy also applies to this issue. I deal with the question of the interaction between the trees and future occupiers below.

Living Conditions – External Space

15. Private external spaces would be provided to the rear of the proposed dwellings. Appendix 3 of the saved Dacorum Borough Local Plan adopted 2004 (LP) provides guidance on the layout and design of residential areas, including gardens and amenity spaces. For infill sites it advises that garden depths equal to adjoining properties would be acceptable. However, it goes on to state that the width, shape and size of the space should be functional. I recognise that other properties in the area have relatively short rear gardens. The site is also located reasonably centrally within Berkhamsted, although I have not been made aware of any public open spaces which would be readily accessible to future occupiers.

16. Neither party has provided detailed information on the depth or areas of the proposed external spaces. The appellant argues that the depth of the proposed

spaces would be comparable with others in the area. Nevertheless, as well as their restricted overall size, the proposed spaces would accommodate steeply sloping ground levels, resulting in the use of retaining structures. In some cases (for example plot 2) this would divide the limited depth into still narrower spaces, in other cases (for example plot 8) it would result in the end of the space being enclosed by a tall retaining wall. In addition, the canopies of the trees on the land to the rear of the site would overhang or extend as far as the boundary of the external spaces. The Arboricultural Report indicates that these Appeal Decision APP/A1910/W/15/3141028

4

trees are between 10m and 18m in height. They are also located on ground which would be at a significantly higher level than the external spaces.

17. Therefore, as well as the restricted overall size of the external spaces, the height and proximity of the retaining structures and trees would have an overbearing effect on the outlook of occupants. This combination of factors would significantly reduce the attractiveness of the spaces and their functionality for day to day activities such as sitting out and clothes drying. Moreover, the proposed three bedroom houses would be suitable for households with children and these deficiencies would also reduce the attractiveness of the external spaces as areas for play. In these circumstances it is foreseeable that future occupiers would seek to have the trees to the north of the site lopped, topped or felled.

18. Consequently, I consider that the proposal would not provide satisfactory living conditions for future occupiers with regard to the provision of external spaces. As such, it would not accord with LP Appendix 3 or paragraph 17 of the Framework to the extent that it requires development to seek a good standard of amenity for future occupiers.

Living Conditions – Noise and Disturbance

19. Beyond the trees to the rear of the appeal site is a builder's merchant's yard and, beyond that, a main railway line. Both of these uses have the potential to lead to noise and disturbance for future occupiers of the proposed dwellings. The appellant submitted a Noise and Vibration Assessment³ as part of its appeal submissions. The Council and interested parties have, therefore, had an opportunity to comment on it.

3 Cass Allen Ref RP01-15352

20. The noise assessment is based on a survey and the methodology set out in British Standard 8233:2014. It calculates that, with suitable glazing and ventilation installed, internal noise levels in the proposed dwellings would be within the level considered acceptable the British Standard. Noise within the external areas would be slightly above the level recommended in the British Standard even after the installation of an acoustic boundary fence. The Assessment also finds that day and night time ground vibration levels at the site fall below the 'Low probability of adverse comment' level set out in British Standard 6472-1:2008.

21. There is no substantive evidence to suggest that the Noise and Vibration Assessment does not provide a reasonable analysis of the noise and vibration effects of the builder's merchant's yard and railway line on living conditions of future occupiers. Nor do the observations from my site visit lead me to a different conclusion. Whilst the noise in the external spaces would be just above the recommended level, I consider that, of itself, this would not justify withholding planning permission. Had I been minded to allow the appeal, the mitigation

measures suggested in the Assessment could have been secured by condition. Therefore, I find that future occupiers would experience satisfactory living conditions with regard to noise and disturbance. In this regard it would accord with Framework paragraph 123 which requires planning decisions to avoid noise giving rise to significant impacts on health and quality of life. Appeal Decision APP/A1910/W/15/3141028

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22. The third reason for refusal refers to CS Policy CS12. However, this policy is primarily concerned with matters of site design and the relationship of development to its surroundings. Therefore, it adds little to my consideration of this issue.

Other Matters

23. The appellant has also provided an alternative Replacement Tree Planting Plan. Nevertheless, I have found that the proposal would not directly harm the existing trees. The removal and replacement of the trees would be likely to improve the outlook for users of the external spaces to a degree. However, in view of the other constraints identified above, I consider that such an improvement would not be sufficient to overcome my concerns regarding the effect of the proposal on the living conditions of future occupiers.

24. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Planning Balance and Conclusion

25. Framework paragraphs 7 and 8 require the three roles of sustainability to be considered together. I have not been made aware of any economic benefits of the proposal. Whilst paragraph 47 of the Framework seeks to boost the supply of housing, there is nothing to suggest that there is an unmet need for new housing in the area. Nevertheless, the creation of eight additional units would provide a social benefit, although this would be tempered by the unsatisfactory external spaces available to future occupiers. Moreover, the proposal would have a detrimental effect on the environmental role of sustainability by virtue of its impact on the character and appearance of the Conservation Area.

26. Therefore, I consider that the adverse impacts of the proposal outweigh the benefits of the creation of the additional dwellings. As such, the proposal would not be a sustainable form of development and does not benefit from the presumption in favour of sustainable development set out at Framework paragraph 14.

27. In terms of the assessment required by paragraph 134 of the Framework, although the harm to the Conservation Area would be less than substantial it would not be outweighed by the public benefit of the additional dwellings.

Agenda Item 7

To consider passing a resolution in the following forms; That, under S.100 A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (variation) order 2006, the public be excluded during the items in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if Members of the public were present during these items there would be disclosure to them exempt information relating to: